

TOWN OF ESSEX
Inland Wetlands and Watercourses Commission
29 West Avenue
Essex, CT 06426
essexct.gov

MINUTES

Regular Meeting - December 13, 2011

Call to Order and Seating of Members

The regularly scheduled meeting of the Essex IWWC was conducted on December 13, 2011 in Room A of the Essex Town Hall at 7:30 p.m. Those members in attendance were Chair, Daniel Lapman, Chuck Corson, Claire Tiernan, Barbara Zernike and Nancy Arnold. Fred Szufnarowski arrived at 7:38 p.m. Also in attendance were Stella Beaudoin, Recording Secretary and Joe Budrow, Wetlands Enforcement Agent and Zoning Enforcement Agent.

Mr. Lapman called the meeting to order at 7:30 p.m.

Election of 2012 Officers

Motion made by Nancy Arnold to keep the slate for the election of officers as it stands with Dan Lapman, Chairman and Chuck Corson, Vice Chairman.

Motion seconded Barbara Zernike and passed unanimously.

Acceptance of 2012 Meeting Schedule

Motion made by Nancy Arnold to accept the 2012 meeting schedule as presented.

Motion seconded by Chuck Corson and passed unanimously.

Application 11-A7 Wetlands Agent Approval

Property located at 88 Deep River Road, Centerbrook, CT

Assessor's Map 22 & 23, Lots 2 & 2-1

Owner of Record: Keith and Frances Nolin

Agent/Applicant: Scotland Hardwoods LLC c/o Rob Burgess

This is an application for Timber Harvest, as of right.

Mr. Budrow, Wetlands Enforcement Agent reported that this proposal falls under the criteria for an agent approved Permit. Mr. Budrow noted that in researching the records, he found that the former Essex WEO, Marian Staye had issued an agent approval several years ago for similar proposal on Pond Meadow Road for timber harvesting, as of right. This proposal involves a 20-acre piece of property south of where the Nolan's reside on Deep River Road in Centerbrook. Mr. Budrow stated that the timber cutting is being done by Rob Burgess of Scotland Hardwoods, LLC. This is the same company who harvested the timber on Pond Meadow Road several years ago. At this time the work is almost completed.

Mr. Burdrow reported that he spent a good deal of time walking the site with Mr. Burgess. The property is comprised of wood roads and he noted that no new roads will be created during the harvesting process. There is a ribbon of wetlands going north to south with a wetlands crossing.

Chuck Corson cautioned that each one of these proposal received by the Land Use office is individual and Mr. Corson advised that Mr. Budrow be sure to thoroughly review each application before approving. Mr. Budrow recanted that he did walk the site and spent an hour review the property. Mr. Budrow noted that there will be no clear-cutting involved with this proposal.

Application 11-A8 Wetlands Agent Approval

Property location: 13 Clark Lane, Essex, CT

Assessor's Map 17, Lot 10-5

Owner of Record: Tom and Sally Crawford

Agent/Applicant: Bill Ross of Burnett's Landscaping

This is an application for the removal of existing retaining wall and patio, with re-vegetation. Planting of seed and installation of erosion control blanket.

Mr. Budrow, Wetlands Enforcement Agent reported that he was previously authorized by the IWWC to approve this proposal. This is property is situated on the Falls River and Mr. Budrow noted that the crumbling retaining wall that was leaning toward the water and needed to be removed.

Application 11-A9 Wetlands Agent Approval

Property Location: 67 Main Street, Essex, CT

Assessor's Map 47 Lot 22

Owner of Record: Town of Essex and CT River Museum

Agent/Applicant: CT River Museum at the Steamboat Dock

This is an application to complete site work for sidewalk improvements and catch basin installation at the Town Boat Ramp. The applicant proposes to locate a catch basin at the entrance to the museum parking lot with discharge to the existing pipe.

Mr. Budrow, Wetlands Enforcement Agent reported that this proposal falls under the criteria for an agent approved Permit. Mr. Budrow reported that CT River Museum in conjunction with the Town of Essex, spearheaded sidewalk improvement and the installation of a catch basin.

Mr. Lapman questioned why there were no fees involved with this Permit application.

Mr. Corson stated that the owner of record is Town of Essex.

Motion made by Nancy Arnold to approve the Agent issued Permit for **Application 11-A9** for property located 67 Main Street in Essex for sidewalk improvements and catch basin installation, with the applicant being the Town of Essex as well as CT River Museum.

Motion seconded by Barbara Zernike and passed unanimously.

Approval of Minutes

- **Amendment to October 11 meeting minutes** re: 12 Rackett Lane Site Walk Minutes.

Motion made by Chuck Corson to approve the amended October 11, 2011 meeting Minutes.

Motion seconded by Claire Tiernan and passed unanimously.

- **Regular Meeting, November 1, 2011**

The following correction was noted: Page 4 - The Minutes noted that the Wetland violation was at the Ivoryton Post Office and in fact the violation with in the area of the Centerbrook Post Office.

Motion made by Chuck Corson to approve the Minutes from the November 2011 meeting as amended.

Motion seconded by Claire Tiernan and passed unanimously.

Correspondence and Invoices: No correspondence and no invoices.

Reports:

a. Wetlands agent – Encapsulation of 2011:

- Mr. Budrow reported that the Gateway Commission is presenting at the Zoning Commission on December 19, 2011 to discuss the revision of the zoning regs which means the 50-foot buffer could become a 100-foot buffer. Mr. Budrow stated that they want to limit the size of development on properties that can be seen from the water. If a proposed structure goes over 4000 s/f of total floor area, a special permit will be required and will be issued by the Zoning Commission.

Mr. Budrow noted that the meeting on December 19th is open to the public and the Zoning Commission will discuss the revisions with the public.

- Mr. Budrow reported that the Mazda Dealership in Ivoryton was sold to a private resident in Essex who plans to convert the site and the existing building to a car club. Mr. Budrow stated that he has been working with the resident for the past few weeks. The resident has removed the asphalt and will re-vegetate the grass. The lot will be comprised of pea stone. Mr. Budrow stated that he has made the determination that this activity is not detrimental to the wetlands and in fact, with the pea stone gravel lot and the re-vegetation, the runoff to the Falls River will actually be decreased. There is erosion and sedimentation control in place.

Mr. Budrow noted that the existing building is being gutted and the exterior will be refaced with a vinyl siding. The structure will house antique cars. During the summer months, there will be themed-evening meetings to include Mustang night and Jaguar night.

Mr. Budrow noted that the Town of Essex intends to install a boat launch and remove some of the trees. That application is forthcoming to the Wetlands Commission.

Ms. Arnold questioned why the applicant has not applied for a wetlands application as this regulated activity is within 100 feet of the Falls River. Mr. Budrow stated that he did not think that the proposed activities were detrimental to the wetlands. Ms. Arnold noted that the applicant has removed the impervious and made this a pervious surface which is beneficial.

- Mr. Budrow reported on property located at 2 Westbrook Road. This property was a topic of discussion at the November 2011 IWWC meeting. There is a wetlands violation surrounding a multi-family residence which is situated across the street from the Centerbrook post office. This property slopes down to the river. A resident of the house drove into the phragmites with an ATV. It was suggested that Mr. Budrow send a letter to the property owner requiring the installation of a visible chain with a sign

stating "no access." A compliance deadline was to be stipulated in the letter.

Mr. Budrow indicated that he sent a letter last week to the property owner. Mr. Budrow reported that there is re-vegetation coming up so the area has not been disturbed since the original violation. Mr. Budrow indicated that he initially received a telephone call from the property owner however he has not heard anything since. Mr. Budrow will follow up.

- Mr. Budrow reported on property located at 54 Main Street in Ivoryton. Mr. Budrow had received a phone call from a Tilcon employee questioning if a permit is required for the tree cutting that occurred on this property. This house is situated near the Copper Beach Inn and the owner clear-cut the entire front lawn. In doing so, a small area of pooling water was exposed. Mr. Budrow stated that he cannot be sure if this is a watercourse or if this is just a small puddle with rainwater from a recent rain storm. Mr. Budrow noted that clear-cutting is considered a wetlands regulated activity.

Chuck Corson noted that if there is a potential wetlands on the property, this activity should come before the IWWC for a Permit. Mr. Corson stated that if this is an application before the IWWC and a determination needs to be made as to where the wetlands are situated, the applicant will have to hire a soil scientist.

Mr. Budrow stated that he will write a letter and request that the property owner come in and discuss how he plans to proceed with re-vegetation of the clear-cut property.

- Mr. Budrow reported on an IWWC Permit that was previously granted on behalf of Andrew Guziewicz and Kelly A. Rock located at 12 Racketts Lane, Essex, CT. Mr. Guziewicz had previously made application to the IWWC to replace a wooden wall, to extend a culvert that channels the brook into the pond, to extend a foot drain to deposit more directly into the brook, to relocate the swimming pool, to expand the existing shed and to construct a footbridge over the pond. Much of the activity is either in the pond or within 100 feet of it. The portion of this application that involved the dredging of a pond on site revealed that the applicant had asked to use the dredge from the pond to spread onto his lawn.

Mr. Budrow reported that the dredge material did not dry over the past year, and half of the dredge material is in a pile and the other half is spread. A neighbor has complained to the Land Use office about that pile of dredge and she has stated that it is omitting a foul odor which she can smell from her property.

The Commissioners commented that this has been a record breaking year for rain which has contributed to the still-wet dredging materials. Nancy Arnold noted that the neighbor should speak with the Department of Public Health. This is not a wetlands issue. The IWWC issued the Permit to Mr. Guziewicz and he has followed the conditions of that Permit.

Mr. Corson asked that Mr. Budrow contact Mr. Guziewicz and inform him that there are people who are trying to build wetlands and they need this type of soil in order to do it. Mr. Guziewicz can sell that dredging material.

Ms. Arnold stated that the IWWC in reviewing this proposal felt it to be a benefit to the property. Ms. Arnold stated that the IWWC has discretion under the CT General Statutes and when there is no alternative, or when there are offsetting benefits as was the case with this Application, a Wetlands Permit may be issued. Ms. Arnold noted that the applicant is doing everything right.

- Mr. Budrow reported that the Essex Conservation Commission has an issue with one of the roads within the Viney Hill Brook Park Nature Preserve which floods because it is lower than the land on either side. Mr. Budrow met with Town Engineer Bob Doane last week at the site where the two wood roads intersect. The flooding was apparent and Mr. Doane and Mr. Budrow discussed recommendations for the best plan of action to remediate the issue. Mr. Budrow had met in mid November with Conservation Commission members Jeff Lovelace and Doug Demarest at the site. The Conservation Commission questioned the viability of digging an open trench with gravel which would allow the water to flow from one side to another. Mr. Budrow did not think this to be an option as the topography was level on both sides and not sloped downhill in any way.

Mr. Doane recommended elevating the road by about a foot. With an elevated road a pipe could be inserted to keep water from ponding. Also, north of the intersecting wood roads there is a black tube semi-submerged that transports water from one side of the road directly to the pond. Extensive ponding occurs here and Mr. Doane suggested that the tube be worked on, to improve its value. The work can be done by the Public Works Department and a conference with Bob and Dave Caroline will take place at the site in the future.

Mr. Corson stated that raising the road sounds like a possibility but the IWWC needs to be sure as to how it is raised because the drainage has to be maintained.

- Mr. Budrow reported on an issue that had become before the IWWC in August 2011 concerning property located at 141 Saybrook Rd. and 24 Cove Rest Pentway. There is a questionable drainage system on the north side of the Cove Rest Pentway property and there is erosion leading to the cove. Mr. Picard who owns the property on Cove Rest Pentway had previously offered to pay for the installation of the drain. Mr. Budrow has not heard back from Mr. Metcalf or Mr. Picard on this issue.

- Mr. Budrow reported that he and Mr. Corson attended the 34th Annual Meeting and Environmental Conference of The CT Association of Conservation and Inland Wetlands Commissions on November 12, 2011. Daniel Esty presented at that meeting. Mr. Budrow stated that he learned a lot about low impact development. Mr. Corson indicated that he attended a workshop that would potentially add regulations for other Commissions in Town that would impact our wetlands. Mr. Corson gave Mr. Budrow the materials on this workshop and noted that Mr. Budrow might wish to present on this to the IWWC in the future.
- Mr. Budrow reported that the Essex Park and Recreation Commission wishes to create a fishing area at Viney Hill Brook Park at the end of the beach.
- Mr. Budrow reported on a proposed project at Sunset Pond sponsored by the Paul Foundation to drop a line and dredge.

b. Chairperson: No report.

c. Planning Commission Representative Claire Tiernan reported that the Planning Commission's public meeting on the Vombaco property on Toby Hill road has been continued.

d. Conservation Commission Representative: No report.

e. Zoning Commission Representative: No report.

In an email from Joseph Budrow dated December 14, 2011 the following has been made a part of the record:

Hello Commissioners,

I forgot to add to my report that the drainage swale at the end of that long "L"-shaped easement on Rackett Lane that Mr. French was in for last month looks fantastic. The resulting work was to remove the stones Mr. French plopped out there and to add a geo-textile fabric with 4" of soil on top and with a sod layer to top that (instead of grass seed. The resulting swale was working perfectly last week when I went out to check it. I saw storm water flowing continuously from the pipes to the River over a lush grass slope.

Joseph Budrow
CZEO/WEA
Zoning and Inland Wetlands Enforcement Agent
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Motion made by Dan Lapman to adjourn.

Motion seconded by Claire Tiernan and passed unanimously.

The regularly scheduled meeting of the Essex IWWC adjourned at 8:10 p.m.

Respectfully submitted,

Stella C. Beaudoin
Recording Secretary

The next regularly scheduled meeting of the Essex Inland Wetlands and Watercourses Commission will be conducted on January 10, 2012.